

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION AT MEMPHIS**

---

**TIKEILA RUCKER, ET AL.**

**Plaintiffs,**

**vs.**

**Docket No: 2:23-cv-2358**

**SHELBY COUNTY BOARD  
OF EDUCATION, ET AL.**

**Defendants.**

---

**PARTIES' RULE 26 (F) PLANNING REPORT**

---

On July 11, 2023, all parties, through their respective counsel, participated in a Fed. R. Civ. P. 26(f) conference. Attorneys Benjamin A. Gastel appeared for the Plaintiffs, and Andrew M. Horvath appeared for the Defendants.

1. The parties do not suggest any changes in timing, form, or requirements of mandatory disclosures under Fed. R. Civ. P. 26(a), except as provided in paragraph 2 below.
2. The parties propose that the initial disclosures be made on or before August 16, 2023.
3. Discovery will be required on Plaintiffs' liability theories, Plaintiffs' claims for relief, including injunctive and/or damages, including supporting documents, testimony, and materials to quantify same; and Defendants' affirmative defense(s).

4. The parties may seek discovery of some electronically stored information. As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information (e-discovery), have not reached an agreement regarding e-discovery, and will comply with the default standards until the parties reach an agreement and the Court approves the parties' e-discovery plan. The parties do not anticipate any needed changes in limitations imposed by the Federal Rules of Civil Procedure, and agree to follow the Federal Rules of Civil Procedure and the Local Rules of the Court.

5. Defendants will seek the entry of a protective order for all business records or information regarding its organization that are not otherwise part of public record.

6. Pending the Court's approval of the same, the parties have agreed to the following discovery and motion schedule:

**INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1): August 15, 2023**

**MOTIONS TO JOIN PARTIES: October 2, 2023**

**MOTIONS TO AMEND PLEADINGS: October 2, 2023**

**MOTIONS TO DISMISS: November 3, 2023**

**ALTERNATIVE DISPUTE RESOLUTION:**

- (a) **ADR DEADLINE PURSUANT TO ADR PLAN RULE 4.3(a):  
October 24, 2023**

Mediator must file Mediation Certification Form:

<https://www.tnwd.uscourts.gov/pdf/content/MediationCertificationForm.pdf>

- (b) **SELECTION OF MEDIATOR PURSUANT TO ADR PLAN RULE  
5.4(c)2:**

**STIPULATION FILING DATE: September 22, 2023**

(If the parties fail to agree upon a Mediator by this deadline, the Court shall select a Mediator for the case from the Court's Mediator list and shall issue an Order notifying the parties of the Mediator's identity)

**COMPLETING ALL DISCOVERY: April 30, 2024**

(a) **WRITTEN DISCOVERY: March 29, 2024**

(b) **DEPOSITIONS: April 30, 2024**

(c) **EXPERT WITNESS DISCLOSURES (Rule 26):**

(1) **DISCLOSURE OF PLAINTIFFS' RULE 26  
EXPERT INFORMATION: February 27, 2024**

(2) **DISCLOSURE OF DEFENDANTS' RULE 26  
EXPERT INFORMATION: March 29, 2024**

(3) **EXPERT WITNESS DEPOSITIONS: April 30, 2024**

**SUPPLEMENTATION UNDER RULE 26(e)(2): April 30, 2024**

**MOTIONS TO EXCLUDE EXPERTS/DAUBERT MOTIONS: May 15, 2024**

**FILING DISPOSITIVE MOTIONS: May 31, 2024**

**JOINT PROPOSED PRETRIAL ORDER DUE: \_\_\_\_\_**

(E-Mail Joint Proposed Pretrial Order in Word or WordPerfect format to: [ECF\\_Judge\\_Lipman@tnwd.uscourts.gov](mailto:ECF_Judge_Lipman@tnwd.uscourts.gov))

**PRETRIAL CONFERENCE DATE \_\_\_\_\_**

**NON-JURY TRIAL: \_\_\_\_\_ 2024 at 9:30 a.m.**

**Trial is anticipated to last approximately two (2) to three (3) days.**

7. This case is set for a non-jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge, following the close of discovery. The parties anticipate the trial will last approximately two (2) to three (3) days.
8. All Motions *in limine* will be filed not later than thirty days before the final pre-trial

conference with responses due fifteen (15) days later, or as ordered by the Court when the trial is scheduled.

Respectfully submitted,

SPENCE PARTNERS

/s/ Andrew M. Horvath

Robert L. J. Spence, Jr. (12256)

Andrew M. Horvath (33862)

Jarrett M.D. Spence (34577)

Cotton Exchange Building:

65 Union Avenue, Suite 900

Memphis, Tennessee 38103

[rspence@spencepartnerslaw.com](mailto:rspence@spencepartnerslaw.com)

[ahorvath@spencepartnerslaw.com](mailto:ahorvath@spencepartnerslaw.com)

[jspence@spencepartnerslaw.com](mailto:jspence@spencepartnerslaw.com)

*Attorneys for Defendants*

HERZFELD, SUETHOLZ, GASTEL,  
LENISKI & WALL, PLLC

/s/ Benjamin A. Gastel

Benjamin A. Gastel (28699)

223 Rosa Parks Avenue, Suite 300

Nashville, TN 37203

[ben@hsqglawgroup.com](mailto:ben@hsqglawgroup.com)

Alyson S. Beridon (40040)

425 Walnut St., Suite 2315

Cincinnati, OH 45202

[alyson@hsqglawgroup.com](mailto:alyson@hsqglawgroup.com)

Scott A. Kramer (19462)

THE KRAMER LAW CENTER

P.O. Box 240461

Memphis, TN 38124

[thekramerlawcenter@gmail.com](mailto:thekramerlawcenter@gmail.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served *via* the Court's electronic filing system upon on this the 25<sup>th</sup> day of July, 2023 on all counsel of record:

/s/ Andrew M. Horvath